

ORDINANCE NUMBER 19-##

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE CUSTOM COMMERCE PARK PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is a Planned Unit Development District Ordinance to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended,

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Council enacted Ordinance 03-29, the Custom Commerce Park Planned Unit Development Ordinance (the "the Original PUD ordinance"), on September 18, 2003;

WHEREAS, the Council enacted Ordinance 14-45 (the "Custom Commerce Park PUD"), on December 9, 2014, amending Ordinance the Original PUD ordinance and replacing and superseding it as applicable to Lot 1 Custom Commerce Park;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. ####-PUD-##**), requesting an amendment to the Custom Commerce Park PUD with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. ####-PUD-##** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation (#-#) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 20____;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and,

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.2 All other provisions of the Custom Commerce Park PUD Ordinance shall remain in effect with the adoption of this Ordinance
- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

Section 3. Permitted Uses. The permitted uses shall be set forth below.

- 3.1 The uses that are otherwise permitted by the Custom Commerce Park PUD.
- 3.2 Industry, Light as defined by the Westfield/Washington Unified Development Ordinance.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2019.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Joe Edwards

Joe Edwards

Joe Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 19-## was delivered to the Mayor of Westfield on the _____ day of _____, 2019, at _____ m.

Cindy Gossard, Clerk Treasurer

I hereby APPROVE **ORDINANCE 19-##**
this _____ day of _____, 2019.

I hereby VETO **ORDINANCE 19-##**
this _____ day of _____, 2019.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

*This document prepared by:
Eric Douthit, Attorney-At Law, 2 North 9th Street, Noblesville, IN 46060*

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Eric Douthit.

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
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EXHIBIT A
REAL ESTATE

Lot 1 in Custom Commerce Park, a subdivision in Hamilton County, Indiana, as per First Amendment to the Secondary Plat of Custom Commerce Park, recorded March 24, 2011, as Instrument 2011015213, in the Office of the Recorder of Hamilton County, Indiana.